

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36491

STATE OF IDAHO,)	2010 Unpublished Opinion No. 374
)	
Plaintiff-Respondent,)	Filed: March 9, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
MICHAEL BRIAN WILSON,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Michael E. Wetherell, District Judge.

Judgment of conviction and unified sentence of five years, with a minimum period of confinement of two and one-half years, for battery on a correctional officer, affirmed.

Molly J. Huskey, State Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge; GRATTON, Judge;
and MELANSON, Judge

PER CURIAM

Michael Brian Wilson pled guilty to battery on a correctional officer. Idaho Code § 18-915(c). The district court sentenced Wilson to a unified term of five years, with a minimum period of confinement of two and one-half years to run consecutively with any other sentences.¹ Wilson appeals asserting that the district court abused its discretion by imposing an excessive sentence.

¹ The judgment of conviction reflects a unified five-year sentence with two years determinate, but the district court verbally imposed a unified five-year sentence with two and one-half years determinate.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Wilson's judgment of conviction and sentence are affirmed.